MP 1021

(1) (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETTION NO. 3942 **OF 2004**

PETITIONER : BHUPESH KUMAR SAHU S/O SHRI BALIRAM SAHU AGED ABOUT 32 YEARS R/O VILLAGE-DINDOURI, TAHSIL LORMI, DISTRICT BILASPUR, (C.G.).

P.R. No. 3938/04
Presented by Shri ... on ...
dated 4/6/04

V E R S U S

RESPONDENTS :

1. STATE OF CHHATTISGARH, THROUGH: THE SECRETARY, REVENUE DEPARTMENT, D.K.S. BHAWAN RAIPUR, (C.G.).

2. CHHATTISGARH BOARD OF REVENUE, BILASPUR, (C.G.).

3. THE COLLECTOR, DISTRICT BILASPUR, (C.G.)

4. THE TAHSILDAR, LORMI, DISTRICT BILASPUR, (C.G.).

5. PATWARI, CIRCLE NO. 12, TAHSIL LORMI, DISTRICT BILASPUR, (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

(46)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 3942/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	20.01.2005 Shri Rahul Birthley, counsel for the petitioner. Shri Shri Sanjay S. Agrawal, Government Advocate for the State. Heard both the counsel at the admission stage. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by the order dated 1.9.2004 passed by respondent No.4-Board of Revenue in exercise of its revisional jurisdiction. Brief facts leading to filing of this petition are that the Tehsildar, Lormi issued a notice Annexure P-4 to the petitioner that as per report of Patwari concerned the petitioner had cut one Babool tree standing on the government land, which is punishable under Section 240 read with Section 253 of the C.G. Land Revenue Code, 1959, therefore, the petitioner was called upon to appear before the Tehsildar on 16.12.2002 and show cause why the matter should not be referred to the Sub Divisional Officer for imposing fine. Against this order the petitioner went to the Collector, who dismissed the appeal of the petitioner. Thereafter, the petitioner has field a revision before the Board of Revenue, which also came to be dismissed by the Revenue Board. Aggrieved therewith the petitioner has preferred this writ petition.	

GRPRJ—FS/350—12/2000—50,000.

(47)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....**सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Perusal of Annexure P-4 shows that only show cause notice has been issued to the petitioner to the effect that he should explain as to why one Babool tree standing on the government land was cut by him and why the matter should not be referred to the Sub Divisional Officer for appropriate action. Therefore, so far only show cause notice has been issued against which the petitioner has filed the present petition, which does not lie.

In view of the above, I am of the opinion that learned Board of Revenue has not committed any illegality or material irregularity in passing the impugned order which entitles the petitioner to invoke the extraordinary jurisdiction of this Court. Therefore, the petition of the petitioner is liable to be dismissed and it is dismissed at the admission stage itself.

Sd/-
L.C.BHADOO
Judge

15/9/05